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Pêches et Océans Canada

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To: Catherine Blewett
Pour:

Date:

Object: **DM DRAFT: PERFORMANCE AUDIT ON THE PROTECTION OF MARINE**
Objet: **MAMMALS**

From: *[Signature]*
De: Nicole Primeau, Chief Audit Executive

AUG 10 2018

Via: *[Signature]*

Additional approvals:
Autre(s) approbation(s):

☒ X

Material for the Minister
Documents pour le Ministre



Your Signature
Votre signature

☒ X

Information

Remarks: This briefing note was developed by Internal Audit Directorate
Remarques:

Distribution: Philippe Morel, Assistant Deputy Minister, Aquatic Ecosystems
Sylvie Lapointe, Assistant Deputy Minister, Fisheries and Harbour
Management
Arran McPherson, Assistant Deputy Minister, Ecosystems and Oceans
Science
Andy Smith, Deputy Commissioner, Strategy and Shipbuilding
Mario Pelletier, Deputy Commissioner, Operations
Stephen Sharzer, Senior General Counsel, Legal Services
Marian Hubley, Director General, Communications

Drafting Officer/
Rédacteur:

France Baril (613-482-0581)/ L. Levita/ cak



Fisheries and Oceans
Canada

Pêches et Océans
Canada

Deputy Minister

Sous-ministre

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MEMORANDUM FOR THE MINISTER

**DM DRAFT – PERFORMANCE AUDIT
ON THE PROTECTION OF MARINE MAMMALS
(FOR INFORMATION)**

SUMMARY OF ADVICE TO MINISTER

The purpose of this note is to provide you with information in regards to the Office of the Commissioner of the Environment and Sustainable Development's (CESD) Transmission (DM) draft report for the Performance Audit on the Protection of Marine Mammals (Tab 1), and to offer you a briefing on this audit, if required.

The CESD audit report is expected to be tabled in Parliament in Fall 2018.

BACKGROUND

In accordance with the Treasury Board guidance with respect to the engagement of ministers on audits performed by the Office of the Auditor General (OAG) and the Commissioner of the Environment and Sustainable Development (CESD), and the related departmental protocol, the purpose of this memo is to provide information on the Performance Audit on Marine Mammals, and to offer you a briefing on this audit, if required.

On September 8, 2017, the Office of the Commissioner of the Environment and Sustainable Development (CESD) advised the Department via an intent letter that it would be conducting a Performance Audit of Impacts of Marine Transport on Marine Mammals, for tabling in the Fall 2018 Report of the CESD. During the reporting phase, the audit's title was changed to the Performance Audit on Marine Mammals. The CESD has completed its examination phase of the audit, and submitted a Principal's draft on May 22, 2018.

The objective of the audit was to determine whether Fisheries and Oceans Canada (DFO), Transport Canada, Parks Canada, and Environment and Climate Change Canada (ECCC) have adequately protected marine mammals from the threats posed by marine vessels and commercial fishing activities. The audit focused on the most significant risks posed to marine mammals, including threats by commercial fishing, such as entanglement in fishing gear, bycatch, depletion of prey species; and threats by marine vessels, notably collisions with ships, oil spills, and chronic underwater noise and disturbance in Canadian waters.

On May 22, 2018 the CESD concluded the examination phase of this audit and issued their PX Draft report. The Department submitted its comments on the PX Draft on June 14, 2018, in which it expressed concerns with the findings contained in this version of the report, and requested a number of changes to both the report and its recommendations. Following several discussions with Departmental officials, the CESD released a revised list of recommendations on June 29, 2018, followed by additional revisions to three of the five recommendations on July 11, 2018.

On July 31, 2018, the CESD issued its DM Draft of the report to the Department, for final vetting and approval. Overall, the audit notes that the audited entities had not fully applied existing policies and tools to proactively manage threats to marine mammals from commercial fishing and marine traffic, such as entanglements, bycatch, noise and disturbance, oil spills and collisions with vessels. The report also states that DFO lacked the resources and training to effectively support the persons and organizations working to respond to distressed marine mammals.

Through this report, the CESD has made five recommendations, which the Department agrees with in principle. These recommendations focused on the implementation of recovery measures for marine mammals (1), the use of marine protected areas as a means for protection (2), the policy on managing bycatch (3), measures to protect marine mammals from marine vessels (4), and support for a third party national approach for the Marine Mammals Response Program (5). The Department currently has a number of initiatives underway that will address these recommendations.

The audit report is expected to be tabled in Parliament in the Fall of 2018.

STRATEGIC CONSIDERATIONS

Throughout the course of the audit, Departmental officials have tried to ensure that the CESD team had a full understanding of the ongoing work in relation to the protection of marine mammals within the Department, so that the findings and final recommendations reflected this. As noted above, several issues were resolved following numerous discussions between the CESD audit team and departmental representatives. While the CESD has modified its report to recognize departmental efforts to address the protection of marine mammals throughout the document, sectors have identified many new factual inaccuracies throughout the document.

Departmental officials are following up with the CESD audit team to determine how these inaccuracies will be addressed prior to the tabling of the report.

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ADVICE AND RECOMMENDATIONS TO MINISTER

Departmental officials and the Internal Audit Directorate are available to provide a briefing on this audit, if required. It is recommended that your office inform the Internal Audit Directorate should you require such briefing.

It is to be noted that the Commissioner of the Environment and Sustainable Development may offer to meet with you to discuss the results of this audit. An invitation letter should be sent to you approximately three weeks before tabling of the Fall 2018 reports (date still to be confirmed).

Catherine Blewett
Deputy Minister



Kevin Stringer
Associate Deputy Minister

AUG 10 2018

Attachment (1)

1. CESD – DM Draft (OAG Controlled Document – to be returned to IAD)

Tab 1

Draft returned to the Office of the Auditor General. Fisheries and Oceans Canada is not in possession of this record. Final
copy available at http://www.oag-bvg.gc.ca/internet/English/parl_cesd_201810_02_e_43146.html

**OAG Controlled document – no copy
permitted**